

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17656 of 2005

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WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

PaladuguVenkateswarlu @ Paddaiah S/o. Late Kotaiah
R/o. Kandlagunda, Nakerikallu Mandal, Guntur District,

..... PETITIONER

AND

1. The Regional Joint Commissioner of Endowments, Tirupati, Chittoor District,
- 2 The Assistant Commissioner of Endowments, Guntur, Chittoor District,
- 3 The Executive Officer, Sri Venugopala Swamyvari Devasthanam, Muppalla Village & Mandal, Guntur District,

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner is not entitled to any relief. On his own showing, his father was a cultivating tenant of the lands belonging to Sri Venugopala Swamyvari Devasthanam, Muppalla village, Guntur district in respect of an extent of Ac.08-30 cents, what he claimed to be dry lands in Kandlagunta village, Nakerikallu mandal, Guntur district. According to the petitioner, after the demise of his father in 1978, he was allowed to cultivate the lands. He claims the benefits under Section 82 (2) of the Andhra Pradesh Charitable and Hindu Religious Institution and Endowments Act, 1987, (for short 'the Act') claiming to be a landless poor person. He claims to have made an application on 09-06-2003 to the 2nd respondent – The Assistant Commissioner of Endowments, Guntur, for his recognition as a landless poor person and to the benefits under Section 82 of the Act.

Earlier, when the 2nd respondent wanted to conduct auction on 18-07-2003 without the petitioner's application dated 09-06-2003 having been disposed of, the petitioner filed a writ petition, obtained interim stay of the auction and dispossession and to continue him as a tenant. That writ petition was disposed of on 30-08-2003 directing the 2nd respondent to decide the petitioner's claim for being a landless poor person.

On 02-07-2005, the 2nd respondent rejected the petitioner's application on the ground that he did not attend the office for inquiry on 30-06-2005 and, therefore, it was not possible to determine the petitioner's claim of being a landless poor person.

In the circumstances, the petitioner has approached this court contending that on

07-08-2005, the 3rd respondent by a tom-tom in the village notified auction of the lands for lease hold rights for a future term and that the auction would be conducted on 10-08-2005. The petitioner contends that being a landless poor person, he cannot be evicted.

The petitioner's claim is fundamentally misconceived. It is not established that the petitioner is a legitimate cultivating tenant of the lands belonging to the 3rd respondent, as no tenancy agreement between the petitioner and 3rd respondent-devasthanam exists. The relationship appears to have been, according to the averments in the writ petition, between the petitioner's father and the 3rd respondent. Be that as it may, the extent of land cultivated by the petitioner's father as a tenant and by the petitioner, *defacto*, is an extent of Ac.08-30 cents. Even if the petitioner has no other lands, as an owner or in any other capacity, the petitioner is not entitled to be categorized as a landless poor person in view of the Explanation under Section 82 (2) of the Act and, therefore, he is disentitled to the benefits thereunder.

On the above analysis, the petitioner is not entitled to any relief. If the petitioner claims any equities on the basis of a standing crop, he may make an appropriate representation to the respondents, who may then consider such representation in accordance with the spectrum of discretion available to them. The writ petition is, accordingly, disposed of. No costs.

GODA RAGHURAM, J

Dt. 10-08-2005

Pvks/*

Nb: Furnish c.c. in three days.

B/o pvks/*